

01-05-06

IFU



Application No. 10/806,790
Amendment Transmittal Dated January 3, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/806,790 Confirmation No.: 2374
Applicant(s): Gary D. Newton
Filed: 03/23/2004
TC/A.U.: 3752
Examiner: Hwu, Davis D.
Docket No.: 50010.0001
Customer No: 36178

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is
- Amendment Pursuant to 37 C.F.R. 1.111 for this application (10 Pages)
 - Interview Summary dated 12/07/2005
 - Interview Summary dated 01/03/2006
 - Post Card

STATUS

2. Applicant is
[X] a small entity. A statement:

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service in an envelope addressed to the Mail Stop Non-Fee Amendment, Commissioner for Patents, Alexandria, P.O. Box 1450, VA 22313-1450.

- | | |
|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 37 C.F.R. 1.8(a) | <input checked="" type="checkbox"/> 37 C.F.R. 1.10* |
| <input type="checkbox"/> with sufficient postage as first class mail. | <input checked="" type="checkbox"/> as "Express Mail Post Office to Addressee," Mailing Label No. EQ056020669US |

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: January 3, 2006

Signature

Alla Meyer

Alla Meyer

(type or print name of person certifying)

- ☐ is attached.
☒ was already filed.
☐ other than a small entity.

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) -- If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings, and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/>	two months	\$ 450.00	\$ 225.00
<input type="checkbox"/>	three months	\$ 1020.00	\$ 510.00
<input type="checkbox"/>	four months	\$ 1,590.00	\$ 795.00

Fee: \$ 0.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 0.00

OR

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional

(Amendment Transmittal--page 2)

petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

(Col.1)		(Col. 2)		(Col. 3) SMALL ENTITY			OTHER THAN A SMALL ENTITY	
Claims Remaining After Amendment		Highest No. Previously Paid For		Present Extra	Rate	Addit. Fee	OR	Addit. Fee
Total	26	Minus	26	= 0	x \$25 =	\$0.00		x \$50 = \$0.00
Indep.	4	Minus	4	=0	x \$100 =	\$0.00		x \$200 = \$0.00
[] First Presentation of Multiple Dependent Claim					+ \$180 =	\$		+ \$360 = \$
					Total Addit. Fee	\$0.00	OR	Total Addit. Fee \$0.00

- * If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,
** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. Section 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

- (c) [x] No additional fee for claims is required.

OR

- (d) [] Total additional fee for claims required \$ _____.

FEE PAYMENT

5. [] Attached is a check in the sum of \$ _____.
[] Charge Account No. _____ the sum of \$ 0.00.
A duplicate of this transmittal is attached.

FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account No. 502398.

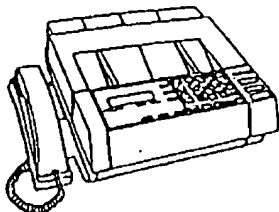
AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 502398.

Date: 1/3/06

Lee G. Meyer
SIGNATURE OF PRACTITIONER

Lee G. Meyer
(type or print name of practitioner)
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Centennial, CO 80015-3046
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USPTO CUSTOMER NO. 36178



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

TELECOPY/FACSIMILE TRANSMISSION

DATE: 12/7/05

TO: Mr. Lee Meyer

FIRM/COMPANY: _____

FAX NUMBER: 303-699-0548

RE: U.S. PATENT APPLICATION SERIAL NUMBER: 10/806,790

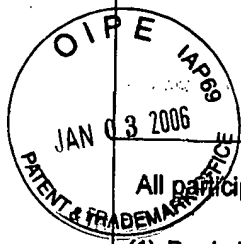
FROM: Davis Hwu

TELEPHONE: 571 272-4904
703 FAX #: 703-

GROUP ART UNIT: 3752

NUMBER OF PAGES, INCLUDING THIS PAGE = 2

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Interview Summary

Application No.

10/806,790

Applicant(s)

NEWTON, GARY D.

Examiner

Davis D. Hwu

Art Unit

3752

All participants (applicant, applicant's representative, PTO personnel):

(1) Davis D. Hwu.

(3) _____

(2) Mr. Lee Meyer.

(4) _____

Date of Interview: 07 December 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____

Claim(s) discussed: all.

Identification of prior art discussed: none.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: after speaking to Mr. Meyer, it appears that all of the claims are generic to both embodiments and therefore, the examiner agrees that the embodiments are not patentably distinct from each other. Thus, the restriction requirement issued on December 5, 2005 is hereby withdrawn and all of the pending claims will be examined.

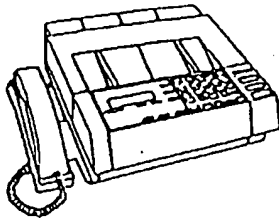
(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

DAVIS HWU
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231




TELECOPY/FACSIMILE TRANSMISSION

DATE: 1/3/06TO: Mr. Lee Meyer

FIRM/COMPANY: _____

FAX NUMBER: (303) 699-0548RE: U.S. PATENT APPLICATION SERIAL NUMBER: 10/806,790FROM: Davis HunTELEPHONE: 571 703-272-4904 FAX #: 703-GROUP ART UNIT: 3752NUMBER OF PAGES, INCLUDING THIS PAGE = 2

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 <p style="text-align: center; font-weight: bold; font-size: 1.2em;">Interview Summary</p>	Application No. 10/806,790	Applicant(s) NEWTON, GARY D.	
	Examiner Davis D. Hwu	Art Unit 3752	

All participants (applicant, applicant's representative, PTO personnel):

(1) Davis D. Hwu. (3) _____

(2) Mr. Lee Meyer. (4) _____

Date of Interview: 03 January 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
 If Yes, brief description: _____

Claim(s) discussed: 1, 10, and 15.

Identification of prior art discussed: Engelke et al. (US Patent 6,431,096).

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: discussed a proposed amendment by Applicant to add to the non-allowed independent claims "planar surface is disposed substantially perpendicular to the inlet" in which the examiner agrees that this limitation is not shown in the Engelke et al. reference.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

 Examiner's signature, if required